

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

LINDA FOSTER

PLAINTIFF

VS.

CIVIL ACTION NO. 3:05CV713BN

BELLSOUTH

DEFENDANT

ORDER

This matter came before the court on a review of the docket, which revealed that the Plaintiff has begun the discovery process in this matter by the issuance and service of subpoenas on two individuals. Uniform Local R. 26.1(A)(4) provides that discovery may not occur prior to the attorney conference held in accordance with Rule 16.1(B). There has been no such conference in this matter, because BellSouth has not been served with process or answered the Complaint.

There is a reason for requiring parties to wait until the attorney conference before beginning discovery. Rule 45(b)(1) of the Federal Rules of Civil Procedure **requires** a party seeking documents through a subpoena to be served on all parties. That requirement is intended to give other parties a chance to object to the subpoena. If a party has not yet made an appearance in the lawsuit, it will not likely get that notice. Furthermore, the purpose of the attorney conference is to define the relevant issues of the lawsuit. It is only after that is done that the parties should start seeking discovery related to those issues. In this case, it appears that Ms. Foster has, so far, been seeking information regarding her records. There are other ways that she could request those records. If she chooses to request them through a subpoena, which implicates the power of this court, then she must do so by following the court's rules.

IT IS, THEREFORE, ORDERED that the parties in this case make no further efforts to seek

discovery in this case, including the service of subpoenas that contain the caption of this case on non-parties, until after the attorney conference described in Uniform Local Rule 16.1(B). A copy of the Uniform Local Rules is being provided to the Plaintiff.

IT IS SO ORDERED, this the 11th day of January, 2006.

S/Alfred G. Nicols, Jr.

UNITED STATES MAGISTRATE JUDGE